

DEPARTMENT OF FOOD AND AGRICULTURE
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A.G. KAWAMURA, Secretary



TITLE 3. CALIFORNIA CODE OF REGULATIONS

DEPARTMENT OF FOOD AND AGRICULTURE

DIVISION 2. ANIMAL INDUSTRY

CHAPTER 2. LIVESTOCK DISEASE CONTROL (ANIMAL QUARANTINE)

ARTICLE 1.5. BOVINE BRUCELLOSIS

Section 752. Vaccine, Vaccination, and Test Reagents.

(a) Approved Brucella Vaccine. A vaccine, approved by and produced under license of the United States Department of Agriculture, to increase the resistance of cattle to brucellosis infection. It shall be procured and distributed by the California Department of Food and Agriculture. Direct sale of Brucella vaccine without approval of the California Department of Food and Agriculture is prohibited.

(b) Official Vaccinate. A female bovine animal, when vaccinated identified, and reported, by a federal or state veterinarian or an accredited, contract veterinarian with an approved Brucella vaccine, is classified as an:

(1) official brucellosis calfhod vaccinate when vaccinated against brucellosis at the prescribed age for calfhod vaccination, or

(2) official brucellosis adult vaccinate when vaccinated against brucellosis, at an age older than the age prescribed for calfhod vaccination as part of an individual whole-herd adult vaccination plan.

(c) Calfhod Vaccination (official brucellosis calfhod vaccinate). All female dairy calves shall be vaccinated against brucellosis with an approved Brucella vaccine between the ages of four (4) through 12 months (120 through 365 days). Female beef calves, if vaccinated against brucellosis, shall be vaccinated between the ages of four (4) through 12 months (120 through 365 days). All calves vaccinated pursuant to this Section shall be identified in compliance with Sections 752.1 and 752.2. The use of all vaccines for brucellosis calfhod vaccination and eartags used for identification shall be reported to the Animal Health Branch within 14 days. A report of heifer calves vaccinated for brucellosis shall contain the following information:

(1) County of vaccination; herd number, if available; Animal Health District.

(2) Name of the herd owner.

(3) Address or P.O. Box number, city, state, location of calves.

(4) Date of vaccination; optionally, the date of next vaccination (month and year).

(5) Number and type of calves vaccinated (dairy, beef, total).

(6) Eartag numbers applied.

(7) Vaccine information: manufacturer, serial number, expiration date.

(8) A statement to be signed by the contract veterinarian, identified by license number, vaccinating the calves certifying that: the calves were vaccinated with an

approved brucellosis vaccine; the calves were in the prescribed age range when vaccinated; each calf was tattooed in the right ear with the official tattoo showing the correct quarter of the year or type of vaccine and year; each calf was tagged with an official calf vaccination eartag in the right ear, unless the vaccinating veterinarian received a request in writing by the owner, or owner's agent, not to apply the eartag.

(9) Acknowledgment signed by the owner or agent that the described calves were vaccinated and that all calves were within California's prescribed vaccination age limits.

(10) Optional request that may be signed by the owner or owner's agent not to apply the official vaccination eartags to the calves because they can be identified as vaccinates within the herd.

(d) Adult Vaccination (official brucellosis adult vaccinate). A female bovine animal over the eligible age prescribed for calfhood vaccination may be vaccinated with an approved adult brucellosis vaccine as a part of an individual whole-herd vaccination plan as agreed to by the Department and the owner of that herd. Adult vaccination shall be supervised by a state or federal veterinarian. Each animal vaccinated under this plan shall be negative to an official blood test for brucellosis before vaccination and shall be permanently identified in accordance with the agreement developed as part of the whole-herd vaccination plan. Blood for testing may be collected at the time of vaccination if the owner agrees to remove all brucellosis titered animals from the herd immediately upon receipt of the test results. Test eligibility before adult vaccination shall be determined by the Designated or District Epidemiologist.

(e) Accredited Veterinarian. A veterinarian approved by the Administrator, or a person authorized to act for the Administrator, Animal and Plant Health Inspection Service (or equivalent titled agency), of the United States Department of Agriculture, in accordance with the provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions required by cooperative State-Federal disease control and eradication programs.

(f) Contract Veterinarian. An accredited veterinarian who has a valid contract with the Animal Health Branch, California Department of Food and Agriculture, to vaccinate animals in California against brucellosis and perform other brucellosis regulatory procedures if included in the vaccination contract or if included in a separate contract.

(1) The contract for vaccinating female calves against bovine brucellosis shall include the following information: Full name, mailing address, telephone number, California state license number, accreditation date, and Animal Health District of the practice of the accredited veterinarian contracting with the Department; and dates of issue and expiration of the contract.

(2) The contracting veterinarian will agree to: vaccinate female calves with an approved Brucella vaccine within the ages prescribed by regulation; apply the official permanent tattoo of brucellosis vaccination and the official brucellosis calfhood vaccination eartag in the right ear of the vaccinate; perform the vaccination, eartagging, and tattooing in a sanitary and professional manner; store unmixed vaccine as directed by the manufacturer; use the reconstituted vaccine as mixed and not hold for future use; dispose of unused reconstituted vaccine according to biohazard waste guidelines; complete, sign, and record his/her state veterinary license on a calf vaccination report as described in Section(c), above; obtain the owner (or agent) signatures as applicable on the report; give the owner a copy of the vaccination report at the time of vaccination; and send a copy of the report to the local Animal Health District Office within 14 days.

(3) The contract veterinarian shall also agree to follow any official supplemental written or oral instructions furnished by Animal Health personnel related to methods and procedures associated with any brucellosis contract; notify the local Animal Health District Office of movement to another district; and return all supplies and materials supplied by the State to an Animal Health District Office at the termination of the contract.

(4) The contract shall expire on the stated expiration date unless terminated earlier by ten (10) days written notice by either party. The contract shall be valid for up to two (2) years.

(5) The contract shall be signed for the Department by the Chief of the Animal Health Branch or a Staff Veterinarian designated by the Chief. The Department may suspend temporarily or cancel the contract of a veterinarian not complying with any part of the contract.

(g) Designated Epidemiologist. A state or federal veterinarian with knowledge of brucellosis epidemiology, selected by state and federal veterinarians in charge, with the concurrence of the United States Department of Agriculture brucellosis staff. The Designated Epidemiologist will coordinate and evaluate the Brucellosis Eradication Program as assigned.

(h) District Epidemiologist. A district or field veterinarian selected by the Chief of the Animal Health Branch to supervise brucellosis disease control and eradication within a herd or a district.

(i) Purchase, Possession, Sale, and Use of Brucella Diagnostic Test Reagents or Vaccine.

(1) The following may purchase, possess, or use Brucella vaccines and diagnostic test reagents containing Brucella microorganisms or components thereof in California:

(A) Federal, state, county, or municipal veterinarians, or public health officials in their official capacities.

(B) Contract veterinarians.

(C) Laboratories approved by the United States Department of Agriculture, their distributors, or agents.

(2) The following may purchase, possess, or use Brucella diagnostic test reagents and materials:

(A) Laboratories having a permit from the California Department of Health Services to operate under the State Clinical Laboratory Act.

(B) Laboratories approved for public health work by the California Department of Health Services.

(3) All sales or transfers of Brucella test reagents or vaccines containing Brucella microorganisms or components thereof by manufacturing laboratories, their distributors or agents, to persons or laboratories within California shall be limited to those persons or laboratories specified in paragraphs (1) and (2) above. Sales or transfers of vaccine shall be reported by letter through the U. S. Postal Service, to the California Department of Food and Agriculture, Animal Health Branch, 1220 N Street, Sacramento, CA, 95814, within five (5) business days after the date of sale or transfer.

NOTE: Authority cited: Sections 407, 10324, 10326 and 10327, Food and Agricultural Code. Reference: Sections 10301-10311, 10321-10323, 10325, 10341, 10342, 10351-10359, 10493, 10511 and 10512, Food and Agricultural Code; Title 9, Sections 71.1 and 78.1, Code of Federal Regulations, January 1, 1997 Edition.

HISTORY:

1. Amendment filed 4-16-68; effective thirtieth day thereafter (Register 68, No. 16). For prior history see Register 57, No. 16).
2. Repealer of former article 1.5 (sections 752-754.21) and section, and new article 1.5 (sections 752-754.2) and section filed 5-24-99; operative 6-23-99 (Register 99, No. 22).
3. Amendment of subsection (c) filed 4-2-2007; operative 5-2-2007 (Register 2007, No. 14).

DIVISION 2. ANIMAL INDUSTRY
CHAPTER 2. LIVESTOCK DISEASE CONTROL (ANIMAL QUARANTINE)

ARTICLE 8.5. INTERSTATE AND INTRASTATE MOVEMENT OF SWINE

Section 796.6. Movement of Swine into California for Immediate Slaughter.

(a) Swine imported from any state not destined for immediate slaughter that are imported with swine from any state for immediate slaughter, must be slaughtered at a state or federally inspected slaughter facility within 14 days of importation into California.

(b) Swine imported for immediate slaughter at a state or federally inspected slaughter plant must:

(1) Have an Interstate Livestock Entry Permit when the State Veterinarian determines the threat of a disease being introduced into California exists with the movement of swine. Any person importing swine for immediate slaughter shall contact the Department's Animal Health Branch prior to shipment to ensure this requirement is met.

(2) Official identification;

(3) Be unloaded at the slaughter facility within 24 hours after entering California without diversion; and

(4) Be slaughtered within 14 days of importation. Upon request, the State Veterinarian may grant exemptions to the 14-day limit on a case-by-case basis.

(c) Movement of live swine from the slaughter facility is prohibited unless the State Veterinarian authorizes the specific movement after the receipt of a written request for such movement. Written requests for exemption must include all of the following:

(1) Information regarding the health history of the swine;

(2) Name and address of the person removing the animal;

(3) Location or address of the facility at which the swine will be maintained; and

(4) Special economic hardship, if any, related to permitting the swine to be removed from the facility.

NOTE: Authority cited: Section 407 and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 10721, 10722, 10723, 10724, 10725, 10726, 10751, 10752, 10753, 10781, 10782, 10783, 10784, 10785 and 10786, Food and Agricultural Code.

HISTORY

1. New section filed 3-1-2005; operative 3-31-2005 (Register 2005, No. 9).
2. Amendment of subsection (b)(1) filed 4-2-2007; operative 5-2-2007 (Register 2007, No. 14).

DIVISION 2. ANIMAL INDUSTRY
CHAPTER 7. CONTROL OF DISEASED ANIMALS
ARTICLE 3. QUARANTINE

Section 1301. Definitions.

(a) "Animal" means any animal, livestock, or domestic animal, including poultry and fish, which is kept, maintained, held, or raised in captivity.

(b) "Poultry" means any domesticated fowl and any wild fowl or bird which is kept, maintained, held, or raised in captivity.

(c) "Population of animals" means any quantity of animals, including one animal.

(d) "Animal Product" means any edible or inedible product or products made from, by, or with an animal, any part of an animal, or animal by-product.

(e) "Condition" means any illness, disease, infection, pathogen, contagion, toxin, bacteria, virus, prion, or any other material or factors affecting a population of animals or animal product.

(f) "State Veterinarian" means the State Veterinarian or his designated representative.

(g) "Hold" means to prevent or restrict movement of a population of animals or animal product from the premises where it is located.

(h) "Move" means to relocate a population of animals or animal product from the premises where it is located, including the recall of an animal product already shipped.

(i) "Segregate" means to separate, and maintain separately, a population of animals or animal product from another population of animals or animal product.

(j) "Isolate" means to confine a population of animals or animal product in an area away from other populations of animals or animal products.

(k) "Treat" means to test, clean, decontaminate, disinfect, dip, medicate, vaccinate, or destroy a population of animals, animal product, and/or premises, equipment, and other materials that may have been contaminated by the condition affecting the population of animals or animal product.

(l) "Destroy" means to kill a population of animals or destroy or otherwise render an animal product inedible or unusable by a method deemed appropriate for the condition as determined by the State Veterinarian.

(m) "Quarantine" means the designation of host and/or at-risk population(s) of animals, humans, and/or animal products, wherever located, for appropriate action as determined by the State Veterinarian, pursuant to this Article.

(n) "Notice of Required Action" or "Notice" means a written notice by the State Veterinarian directing an owner to hold, move, prohibit entry into this State, segregate, isolate, treat, or destroy a population of animals or animal product.

(o) "Owner" means the legal owner of a population of animals or animal product, the legal owner's authorized representative, any person with immediate control of a population of animals or animal product, or any person with immediate control over premises where a population of animals or animal product is or has been located.

(p) "Epidemiology" means the study of the causes, distribution, and control of diseases in a population of animals or animal product.

(q) "Standard epidemiological practice" means practices accepted as standard in veterinary medicine, including but not limited to official screening tests or the professional judgment of the State Veterinarian.

(r) "Credible scientific research" means research published in a peer-reviewed publication and not refuted by subsequent experiment or evidence.

(s) "Epidemiological investigation" means an investigation to determine the risks or presence of a condition affecting a population of animals or animal product, conducted using recognized or standard epidemiological practices, including but not limited to sample collection and laboratory testing.

(t) "Plan of Action" means any procedure or procedures to control or eliminate a condition, or risks of a condition, affecting a population of animals or animal product, or to protect the health and safety of the citizens or animals of this State.

(u) "Sample" means any specimen or portion necessary to establish a finding of fact in any circumstance subject to an application of this Article. The size and nature of the sample shall be determined by current standard epidemiological practice for the condition being investigated.

(v) "Presumptive diagnosis" means a preliminary diagnosis.

(w) "Confirmatory diagnosis" means a diagnosis confirmed by confirmatory test results or other diagnostic criteria.

(x) "Eradication program" means a prescribed course of action, set forth in State or Federal statute or regulation, for the purpose of eliminating or controlling a particular condition.

(y) "Hearing Officer" means any person designated as a Hearing Officer by the State Veterinarian.

(z) "May Carry", as referenced in Food and Agricultural Code section 9562, subdivision (a), means, in the exercise of the State Veterinarian's professional judgment, "susceptible to" or a belief that a population of animals or animal product has a condition pending epidemiological investigation.

NOTE: Authority cited: Sections 407, 9562 and 9570, Food and Agricultural Code. Reference: Sections 9502, 9503 and 9562, Food and Agricultural Code.

HISTORY:

1. New article 3 (sections 1301-1301.9) and section filed 6-15-2001 as an emergency; operative 6-15-2001 (Register 2001, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-15-2001 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g) (Register 2001, No. 43).
3. New article 3 (sections 1301-1301.9) and section filed 10-24-2001 as an emergency; operative 10-24-2001 (Register 2001, No. 43.) A Certificate of Compliance must be transmitted to OAL by 2-21-2002 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 10-24-2001 order transmitted to OAL 10-23-2001 and filed 12-5-2001 (Register 2001, No. 49).
5. New subsection (z) and amendment of Note filed 4-2-2007; operative 5-2-2007 (Register 2007, No. 14).

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